

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Tuesday, October 19, 2004, the following members were present:

Bob Rowe, Chairman
Matt Brainard, Commissioner (via telephone)
Greg Jergeson, Commissioner
Jay Stovall, Commissioner (via telephone)

Commissioner Tom Schneider was absent, but left written votes on some issues. Commissioner Brainard joined the business meeting late due to telephone difficulties.

APPEARANCE

Nickie Eck
Transportation/Centralized Services Division

(420) In the matter of Docket No. TN2237: Thomas F. Kenneally, Butte, Montana requests permission to continue the lease of PSC No. 4448 to The McGree Corporation, Butte, Montana for a twelve month period, October 12, 2004 to October 12, 2005.

Commissioner Jergeson moved to grant PSC Lease No. 4448 for the time period stated above. Commissioner Rowe seconded the motion, which passed 3 to 0.

(421) In the matter of Docket No. TN2238: Edward DesRosier dba Sun Tours, East Glacier Park, Montana requests permission to suspend PSC No. 9220 for a six month period, November 1, 2004 to May 1, 2005.

Commissioner Jergeson moved to grant the suspension of PSC No. 9220 for the time period stated above. Commissioner Stovall seconded the motion, which passed 3 to 0.

(422) In the matter of the approval of Commission Minutes:

Commissioner Stovall moved to approve the Commission Minutes for the week of October 12, 2004. Commissioner Jergeson seconded the motion, which passed 3 to 0.

APPEARANCE

Kate Whitney, Administrator
Utility Division

(423) In the matter of the Commission's discussion of ROC QPAP collaborative audit:

Commissioner Rowe moved to participate in the audit collaborative to appoint Commissioner Jergeson as representative to the Executive Committee of State Commissioners, and Kate

Whitney to the staff steering committee. Commissioner Jergeson seconded the motion, which passed 3 to 0.

APPEARANCE

Kim Moran
Utility Division

(424) In the matter of the Commission's discussion of Hot Springs Telephone Company - Docket No. D2004.2.22:

Commissioner Jergeson moved to approve the Hot Springs EAS application. Commissioner Stovall seconded the motion, which passed 4 to 0. Commissioner Schneider's written vote was aye on this matter.

APPEARANCE

Scott Fabel
Utility Division

(425) In the matter of the Commission's discussion of Qwest Capital Expenditures - Docket No. D99.8.200:

Commissioner Stovall moved to direct staff to draft a notice of Qwest's apparent noncompliance. Commissioner Brainard seconded the motion, which passed 4 to 0.

APPEARANCE

Monica Tranel, Legal Division
Mike Lee, Utility Division

(426) In the matter of the Commission's discussion of MPSC comments on FCC development of final network unbundling rules - Docket No. N2004.9.157 (FCC WC Docket No. 04-313):

Commissioner Jergeson moved to submit the comments to the FCC with the editorial changes discussed. Commissioner Brainard seconded the motion, which passed 4 to 1. Commissioner Schneider left his written vote of aye with staff. Commissioner Rowe dissented in part: "Blackfoot and 180 Communications' comments are well-reasoned and stand on their own. Qwest had the opportunity to file comments with the MPSC and failed to do so. Portions of the MPSC's comments to the FCC overreach either the facts or the law, particularly as to switching and "presumptions." The MPSC does not have before it a record on which to reach conclusions. Rather it is drawing inferences, which may or may not be correct. Instead, the MPSC should have filed with the FCC much narrower comments, attaching the Blackfoot/180 Communications filing, along with a description of the procedural history before the MPSC."

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, October 21, 2004, the following members were present:

Bob Rowe, Chairman
Matt Brainard, Commissioner (via telephone)
Greg Jergeson, Commissioner

(427) In the matter of the Commission's discussion of OMS comments to FERC:

Commissioner Jergeson moved to authorize Commissioner Jergeson to sign on behalf of the Montana Public Service Commission, OMS comments to the FERC ad on unresolved issues to chase, based on the debate at OMS. Commissioner Brainard seconded the motion, which passed 3-0.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

ATTEST:

Connie Jones
Commission Secretary